

**Arizona Department of Environmental Quality  
Phoenix Public Hearing - 11/10/04  
Arizona Clean Fuels Yuma, LLC  
Air Quality Permit #1001205**

**Steve Brittle:** I'm Steve Brittle with Don't Waste Arizona. We are headquartered at 6205 south 12<sup>th</sup> Street in Phoenix and we have members in the affected area. On behalf of Don't Waste Arizona I make the following comments: This permit should be categorically denied - it is entirely illegal permit it violates the clean air act amendments of the 1990 which is the US federal law. In particular consistent through out the entire permit is one fatal flaw any title V permit must have provisions that allow the public and the US EPA sufficient information to determine whether the facility is in compliance with the permit conditions. And must provide to the public and the US EPA the data that makes the permit enforceable as a practical matter, the recordkeeping requirements in the proposed permit are such that the records, however voluminous, and for each and every piece of equipment that might make air pollution, but they're kept only at the facility, and the law says they have to be available to the EPA and to the public so we can bring citizen suit so enforce the law when DEQ won't. Since there is no provision for public or US EPA access or inspection the permit can not be issued. Unless the facility is required to file all of these records with the custodian of records at the DEQ in a timely basis so that the public and the EPA can have access to reports, their permit must be denied. We've certainly reviewed other title V permits through the years and those of course are available at the agency. It's unfortunate that they are ignoring federal law which makes the permit illegal. Further the permit limits the record keeping to 3 years, but under the clean air act, even the normal 5 year limit on enforcement may be waived if a violation is continuing, so the length of time that the afore mention records must be kept per the proposed permit are insufficient, they must be kept indefinitely and available to the public indefinitely. The record keeping itself is insufficient in some ways to determine compliance, it has to be something that could be used to enforce as a practical matter. One of the consistently used methods of record keeping is to allegedly determine compliance is monitoring the fuel usage in heat input. That alone is not sufficient to determine compliance, if DEQ checks court, federal court decision it'll fine that, that has been decided against the terms of your permit, therefore the permit must be denied, and until or unless a more reliable and foolproof method of determining compliance is provided. Hazardous air pollutant are not monitored sufficiently, there is no provision for actual monitoring and analysis of hazardous air pollutant in the ambient air in the proposed permit. Without ambient air monitoring for these, each and everyone of them is unacceptable as it does not provide the data to make the permit enforceable as a practical matter by the public or US EPA. There are methods of monitoring these HAPs they must be made part of the permits or else it is illegal and must be denied. Some of the HAPs that will be emitted are bio-cumulative reproductive toxicants, endocrine mimickers, and developmental toxicants and or carcinogenic. The Arizona ambient air quality guidelines (AAAQGs) were not promulgated to address these issues, the permit uses these somehow. They never have been legally adopted by any legislative act. They were developed to allow pollution to not protect public, health and safety. Seems right for people who are told that the level of chemicals aren't enough to cause their problems, but they're ill. To adequately monitor HAPs from the refinery there must be a monitoring plan that will address these additional concerns, and should include public health monitoring. This includes, but must not be limited to, to determining the current baseline level of these various

HAPs, in the nearby animal, plant, and human population in determining at least every 6 months the levels of these on the same populations. Further the rates of still born and birth defects must be similarly monitored and reported as well as leukemia and cancers. When, and we're not saying if here, there is statically significantly increase in the rate of stillborn, birth defects, leukemia, and cancers in the adjacent area, the refinery's air permit must be revoke. Yet there's no provision for that in the permit is drafted. ADEQ will be issuing an air permit that is not protected of the environment, the public health and safety. Refinery proponents have been widely quoted with the assertion that the pollution refinery will emit is that of 35 diesel trucks. This is the height of absurdity, besides being an outrageous big lie. The DEQ can put forth literature promoting this facility, but it can't do something balanced and call it on the carpet when they tell a lie. Diesel exhaust does not include chlorine, silver, selenium, mercury, cadmium, aluminum, lead, phenol, ammonia, hydrogen sulfide, and the other host of hazardous air pollutants that the refinery will emit. DEQ should not be silent about these mischaracterizations, but instead is chiming in with the assertion that this will be the cleanest refinery ever. It still will be an enormous source of exotic and dangerous air pollution, making one of the most dirty facilities in terms amounts and types of air pollution in the entire state. DEQ is infamous for touting the wonderfulness of refineries like the Sun Belt Refinery that was operated in Randolph, AZ. When this refinery was trying their site near Mobile, DEQ touted that facility, the Randolph Facility until it had to be closes down for its criminal activities. It was releasing large amount of chemicals into the night into the air at night, the specific things that citizen in the area complained of for years to Nancy Wrona and to ADEQ. They never responded to their complaints, they simply ignored them and that would be the fate of people in Yuma. There is a civil rights complaint with the EPA on record over the same matter. That's what's going to happen here. Hydrogen sulfide is not monitored, sulfur dioxide monitoring is used instead and that's not acceptable. There's no provision for actual monitoring and analysis of hydrogen sulfide in the ambient air in the proposed permit. The DEQ admits the modeled impact will be at 47% of the AAAQGs, but hydrogen sulfide is harmful for some people of levels lower than the accepted standard. Also there is no review of the fact of chronic exposure at even the levels they are allowing; again the synergistic and accumulative affects of all the many HAPs that will be emitted by the refinery are not examined in the proposed permit and ADEQ review. They present however an imminent and substantial endangerment to public health and safety. The permit must be denied for that reason under federal law. Hydrogen sulfide is a dangerous chemical, one of its characteristics that makes it especially dangerous, after time and exposure, the human nose can not detect that chemical. Dangerous levels will not detected by smell. Worker and public injury is possible unless mechanical methods of monitoring that chemical are included in the permit. But again it's not monitored instead sulfur dioxide which makes it unacceptable because it's also unenforceable as a practical matter. Hydrogen sulfide carries a distinct rotten egg odor that at sufficient levels in the ambient air will prevent the reasonable enjoyment of private property off of the refinery site. The stench will carry for many miles particularly at night, the wind patterns indicate that the late afternoon and evening wind will take the odors and air pollution towards Yuma. At night hydrocarbons and their odors tends to stay closer to the ground which means in Yuma and going toward Yuma at night there'll be exposure to the refinery emissions and hydrogen sulfide odors. In other words Yuma will stink nightly due to these emissions. Yet the state implementation plan for Arizona contains specific language about odor and the illegality of odors moving off the site of any facility with an air pollution permit. Therefore this Permit must be denied or clear and strong language about controlling

odors, enforceable is a practical matter for the EPA and the public must be written into it. Perchloroethylene is a cancer causing chemical, a hazardous air pollutant that will be emitted in large amounts by this refinery, yet curiously enough there's no refined modeling for this chemical, no monitoring required for it in proposed permit, 25 to 26 tons a year of this cancer producing chemical. Until you do that kind of modeling and monitoring you can not issue this permit. Also, curiously enough, we've, Don't waste Arizona, has been following this refinery for a number of years, we noted that the last proposed permit for Mobil, the DEQ was telling the company that it couldn't use this refinery fuel gas as a fuel for it's processes because that was not the best available control technologies, in short, the levels of sulfur in that was too high and, curiously enough now DEQ says this is okay. And it looks, obviously, like a dirty deal. It's unacceptable, illegal, as the use of RFG is not best available control technology. Fuels containing lower levels of sulfur must be used. There are other examples of things that are not BACT, they will be provided by close of comment on the 29<sup>th</sup>. Final comments, the refinery will have a devastating effect on Yuma and Yuma County's economy. Odors and chemical fuels will drive away the snowbirds, the growth of residences near Tacna, Wellton, and Mohawk and taint food crops in the area. There's no requirement, by the way, for the inevitable disaster for detailing how excess emissions cause by explosions, fires and those kinds of mishaps at the refinery will be calculated and reported. Thank you.

**William Murphree:** Good Evening my name is William T. Murphree; I reside at 4230 North 85<sup>th</sup> Avenue in Phoenix, Arizona. I serve as the executive director at the Phoenix Building Construction Trades Council. Before I begin my remarks I'd like to thank a couple of folks here, First I would like to thank Arizona Department of Environmental Quality and their staff for the work that they put into this, I've been to several of these meeting and they have done everything that we have asked them to and I think they have gone the extra mile. I would like to thank my daughter in the back, Theresa, had some surgery today and she was kind enough to drive me down here so I wouldn't miss this hearing so I want to thank her. The other folks I want to thank are all the veterans in the room tomorrow is veterans day and I would like to wish each and every one of the veterans a good day tomorrow. The Phoenix Building Construction Trades wants to go on record as supporting this air quality permit in Yuma with the understanding that this work, the construction work, will be done with Arizona craftsmen with construction companies that provide their employees with a good wage, health care and retirement benefits, all those things that we like to live and work for. We would also like to go on record as saying that we support this air quality permit with the understanding the folks that run this plant after it's built will be trained at the college down in Yuma. We believe that all this can be done, we support the issuance of this permit with the understanding that we will have an opportunity at the federal level, if in fact that we find there is more that comes out about this permit. We support this permit from the aspect of the fact that you see where gas prices are, you see where our country is as we have to import more and more of our fuel, I am not an attorney so I will not tell you that this permit must be denied. I will tell you that the Arizona Building Construction Trades supports this permit. I am not a legal beagle, so I will not tell you that, the only thing I will tell you is the Phoenix Building Trades support this Permit, now don't get me wrong when I say Phoenix, we will be moving to a Statewide organization in the very near future. However we do have union members from most all, if not all crafts living, working in the union in the Yuma area. The other thing I have, I mention our daughter in the back, we have 5 grandbabies. I would not be afraid to move anyone of those 5 children next door to this plant. I have looked at that permit, I have

talked to DEQ, I have talked to Mr. McGinnis, I have faith that this work can be and be done right. I think this company is going to build this plant and I think, just looking at the technology that has to go into this should tell you something about their commitment, If there's questions if there is something we as a group believe they're doing wrong, your damn right we'll fight them like hell. But we need this plant, we need these jobs we need this refinery in Arizona and I thank you for your time.

**Pat Colburn:** There were a few of us that came down from Yuma to share with you, because we wanted to put a face on where this plant will be going in. My husband and I are business owners in Wellton, which is just down the road from the proposed site of the refinery. I also have asthma. I understand the refinery will make an impact economically for the citizens of Yuma, but I would like the ADEQ to consider the most sensitive and vulnerable citizen, the children of Yuma County along with the elderly that are there and the people that have respiratory problems like myself. In Governor Napolitano's speech she announced the start of a children environmental health project, an initiative to reduce exposure to Arizona children to environmental health hazards. She stated it was a priority for her administration to provide a clean and healthy environment for all Arizona citizens, particularly it's most sensitive and vulnerable ones, children. The Governor spoke at length about asthma, stating that it was unacceptable that the prevalence and mortality rates for asthma in Arizona have exceeded the national average in 9 out of the last 10 years. That's pretty powerful record that we have. She directed the Arizona Department of Environment Quality to implement the CARE strategy which has an initial focus on air quality and asthma. Department of Health Service Director Kathy Eden was a part of the children environmental health forum and reported on May 2003 the results of the assessment of the environmental exposures that significantly affect the health of Arizona children. Top of the list was ambient air pollutants and asthma. April 20, 2004 the Sun news reported about the meeting with the supervisors in Yuma that they had with Arizona Clean Fuels according to the, concerning the proposed refinery. One of the supervisors asked the question: "would the refinery emit any fumes that people in the area would have to worry about?" Mr. McGinnis answered "no, what you will see when you look at the facility is a white plume coming from the cooling tower, which is basically water, however because of the dry desert air here it won't be very big and will disappear quickly." I'm sorry but that one that one threw us all for a loop. According to the presentation of materials the companies initial permit application which is up here in Maricopa County would put 5000 tons of compounds into the air per year so they've revised that and now they would come down to the facility there and only release supposedly 1000 tons, 1000 tons, of compounds into the air per year. Plus there will be an expansion in 10 to 15 years so I'm sure we'll be adding to that as we go along, that is definitely more than the plume of water that we heard about that will disappear quickly. And it will disappear quickly into our children's lungs and the rest of us. The most sensitive and vulnerable of our county, the children, will suffer the consequences of this refinery. Their lungs have already have to deal with the present air quality that can be deadly and that's dust from the tilling of the ground, aerial pesticides, burning of the fields, any emissions from the local cattle company. We are a farming area so we have farms all around the valley plus we have the cattle company just right between us and the propose refinery site. I would really request that ADEQ would consider this permit and not allow it. I read this at Yuma but I wanted to expand on it because I did come across an article that was put out by Arizona Republic and this was in February 26 of 2001. It was a huge section and it was about the bad air and the poverty inflamed

asthma. I just wanted to read you some of the parts I've highlighted in this because I think it's very crucial for you to understand our area. This article is written, if you look at it, it's in Tacna this where were talking about and Tacna is the proposed site. Farm worker Marianna Victoria has asthma, so does her father and 2 children, so did her grandfather and 2 aunts. At her children school kids line up in the nurses office for puffs from inhalers at a nearby clinics. Wheezing patients come in early for care and weary doctors work late to see them all. This is Yuma County, which has the states worse rate for kids and adults hospitalized for asthma. In the valley similar scenes play out in southeast Phoenix. Schools stock breathing machine, health care workers travel the street treating asthmatic kids and teaching their families about the disease. What's pushing asthma rates up in these two areas? One is agricultural and the other is urban. Residents in one area worry about pesticides, people in the other fret about freeway exhaust. What they have in common is poverty. This area has a very low income area. Back to Victoria, she's shin deep in a lettuce field and it's exactly where she should be and precisely where she shouldn't be. Her husband also works with her and they're cutting lettuce right now. Victoria, 45, comes from a long line of farm workers but she also comes from a long line of asthmatics, the field work, chilly, damp morning, the pesticides, the dust, the whorl of pollens makes her condition worse. The Victoria family is one hundreds struggling with asthma in Yuma County which has the States highest rate of asthma hospitalizations for adults and children. Somerton, a small city southwest of Yuma has the states highest rate for children. More than double the rate for the worse part of Phoenix urban area. These environmental factors play a big role in the counties asthma rate, but they're only part of the picture. Health officials say Yuma County owes it dismal ranking to the difficult part of getting medical care to the mobile population, migrant workers as well as the military. Her paternal grandfather had asthma as did his sisters, her father was hospitalized with severe asthma for a week last fall, about the time Victoria had an attack and collapsed at her son's school. She was there to check on Jesus, 9, an asthmatic since birth her daughter Marianna 12 was diagnosed with asthma just the week before. Victoria's children are uninsured, as are nearly 33% of Yuma County kids. Jesus and Marianna rely on a school based clinic for treatment and in December both children got there first inhalers. This is through the clinic at the school. It says Asthma defines Yuma County, asthma grips nearly every part of this growing county. It keeps the night crew hopping at Yuma Regional Medical Center with 5 to 7 cases a night, at 12:30 am a wide eyed Dominic Miller, 21 months, and his bleary eyed mother wait in the emergency room for a breathing treatment. It kind of scares me when it gets like this, it's really bad, Jessica Miller says. Forty five minutes earlier the toddler began wheezing so loudly she thought he was snoring. Then for a few terrifying seconds she stopped breathing all together. The best thing to do is bring him in the young mother says. Asthma lengthens office hours for local doctors. It brought the American Lungs Association of Arizona to Yuma to give asthma management classes to school nurses. And asthma has a \_\_\_\_ looking Gustavo Martinez, 7, slumped on a doctors examining table at Rancho Viejo Elementary school. We need the give this little squirt an inhalation treatment today announces Ann Allen, the Physicians assistant who staffs the schools clinic. Gustavo was a drop in, but the clinics operate a regular office recess scheduling students for appointment. It was during one of those visits that Allan noticing Jesus Victoria's agriculture bloodline issued a stern warning. We told him he can't work in the fields and it hit him right away. Allan said, explaining that the youngster understands that he may have to choose between family tradition and his health. There is a lot more things pollinating, there's a lot more dust because of the harvest. Up the highway in Yuma, Nurse Practitioner Karen Watts works in a pediatric clinic that bustles with asthma patient each winter and fall. The agriculture

has a lot to do with it Watts says. They do a lot of burning , a lot of exfoliation, you know when they spray the fields, the kids start showing it. Same thing from her nurse's office at Arizona Desert Elementary School in San Luis. She suspects pesticides contribute to the areas highest hospitalization rates, even though they have been a part of Yuma County's environment for a long time. But Fausto, a native of nearby Gadson, says farmers use to apply pesticides with trucks, today they're sprayed from planes. And the chemicals such as Curb & Baylane get spread more widely. Pesticides are an irritant much like dust, pollen, and hosts of other conditions says Michael Levawitts, a professor of medicine at University of Arizona's College of Public Health. But they don't appear to be any greater a problem than the others. Dr. Bob Cannel says Yuma's geography produces many of triggers that can bring on asthma episodes. Sea crops, pesticides, weeds that grow along with the crops and the dust kicked up during dry \_\_ periods. Plus the area gets two blasts of Bermuda pollen a year because the grass is grown as a crop. The Bermuda count is horrendous in the fall and spring. The stifling hot summer, when the heat kills anything that might pollinate, is the only respite from asthma. I have a, there's a picture that they showed in the paper and I don't know if you can see it but it shows asthma, I mean it shows that, excuse me it shows Yuma being the highest asthma rate in the whole State of Arizona of hospitalizations and problems with asthma. It says Yuma County has the highest rate of people hospitalized for serious asthma hospitalization per 10 thousand residents. I appreciated what Steve just had to say explaining all the ambients that would be going into the air and I just wanted to give you an idea of what this area already deals with in the ambients. We have our load already there and if you put this, if you allow this to go in it's going to make life miserable.

**Steven D. Coburn:** First of all I want to thank you for the hearing and the concerns and hope that you would make your decision based on the concerns of the people and not just for the financial gain of union workers and everybody, and the government. I have a question for each of you to think about before you vote or say yes to this refinery: would you want this in your backyard? No I don't think so. And probably most of you would say no to that because it's a, you don't really care about it because it's not within your range anyway Yuma's 40 miles away, so they're not worried about it. Phoenix you shouldn't have to worry about you're 250 miles away from the refinery. But you better start caring because the air quality in Arizona is terrible, we came in from Yuma driving into Phoenix, you have a black haze over your whole town because of the air quality here. I would also like to ask a question to the ADEQ director and her staff: If you have emissions, if the emissions that this refinery puts out and kills, or puts a person with a breathing problem in the hospital, is this state ready to take the responsibility for the actions of that refinery? Or if a person develops cancer because of the refinery, refinery pollutions, is the ADEQ ready to take the responsibility for that? And Pat is my wife and I deal with asthma every day. Every time she has a breathing problem. And If any of you want to know what it's like, I have a straw here, a doctor in the hospital told me when I had to take her in to the hospital, what an asthma person is like, has to breathe like, when she is having an attack. I'll open this up and let you put it in your mouth, hold your nose where you can just breathe through the straw, try to breath in and out thru a straw, that's how asthma affects a person. And the air quality is what affects the person. The Wellton area is a valley surrounded by mountains and I must tell you, I have to deal with, I've had dealing with the ADEQ on air quality and burning. And then to have found that a lot of the things that have been enforced even with the laws, they have not been enforced even with the laws that are in effect. ADEQ can not monitor everything, being short handed, and again we we're told that the refinery was basically, would basically be

keeping their own records and report to ADEQ. Once in a while ADEQ would stop and do a testing themselves but basically the refinery would be doing the reporting. I have to ask how true are these records are going to be. If you know that the subject, that you are subject to a fine or a penalty or maybe even a shutdown, would you falsify your report to keep in operation. Well that's up to you to decide. And we've dealt with burning; we have a problem with burning up there. And we realize that farmers have been burning for hundreds of years and I've dealt with this for as long as we have lived in Wellton, and we've talked to, we had a lady from ADEQ come out there because of the burning, and permits are suppose to be issued to burn, how often does ADEQ follow up or check the farmers to make sure they have burn permits to burn and the proper time to burn. They don't. They can't. They can't check every farmer to make sure they have a burning permit, it's impossible. So what are they going to do with the refinery if they can't keep track of all the farmers that are burning and give proper permits, and be fined when they are not doing it, in fact one of the state's own government agencies was caught out there burning without a permit. This refinery would adversely affect the air quality in the Wellton Mohawk area and beyond. Arizona Clean Fuels say that the refinery will be the cleanest in the US. You will only see steam coming from plant but what is in the steam that they have not told you about like benzene, that's a cancer causing substance, also what about the ammonia, mercury, methanol, all these things that are going to be in that white cloud they say. I'm sorry if the pronunciation of the words aren't right but I'm not a chemist. These proposed air quality permit fail to adequately monitor all the hazardous air pollutants like lead, mercury, cadmium which don't decompose over time but keep accumulating in the environment and in humans. In addition the proposed permit fails to monitor hydrogen sulfide, H<sub>2</sub>S, better known as the rotten egg smell. And we have lived by refineries so we know what the rotten egg smell is. Safety point of view it will also be very close to the Union Pacific Railroad. Close enough in fact if the Union Pacific ever had a derailment it could affect the refinery. And being an ex-railroader I can tell you what a derailment is like and how far those cars will go at 70 miles an hour in there's a derailment. Also it could affect the Interstate if something like a fire in the pipeline or an explosion at the refinery itself. Just last night on the news, in fact, there was an article about a pipeline over in California exploding and what the fumes and smokes were like, the smoke was like. So there's another safety factor that they can't stop everything. Refineries have a miserable record of compliance of federal and state air standards. Citgo settled with the federal government to pay a \$320 million as a result as a federal lawsuit, also since December 2000 the government has settled pollution cases with 12 refineries Exxon, Mobile, and Sunco have not yet been settled. Another problem with this refinery is the amount of water it will take to operate per day. Two thousand cubic-feet of water per year, or in plain English that's about 1,500,000 gallons of water a day for this refinery. Arizona been on a shortage of water for a number of years and it only seems to be getting worse. Powell now is at 56%, Lake Mead is at the lowest point it has been for a long time and it will even take a longer time to fill those reservoirs back up with water. So where's the refinery going get the water? From the Colorado River from Wellton Mohawk? All boils down to the same thing, it's coming out of the reservoirs. If this refinery is build not only will the air be worse, water usage will be higher than what we can stand. We also as my wife talked to you about, we also already have a cattle feed lot in the Wellton area with 200,000 head of cattle, and if you stop and think how much those cattle urinate on the ground and what the ammonia from that is like when there is moisture in the air or anything like that. It already, we have a bad odor right there already and now you want to put in a refinery. We also have a batch station going up there in Wellton. So these are some of the things we're already

dealing with and we don't need a refinery in that area. Maricopa already refuse to let them build there why should we allow them to build here? Thank you.

**Erin Horner:** I want to say hello my name is Erin Horner and I'm also from Yuma County. I moved to Yuma County 4 years ago from Kansas City where I lived most of my life. Like most people who move to this great state I looked forward to the beautiful weather and some of the nation's cleanest air in Yuma County. Arizona Clean Fuels is proposing to end that good quality of air. I oppose this refinery based on many hours of research, first hand knowledge and my own personal health. I am an asthmatic and I'm also a cancer survivor and would like to stay a cancer survivor. Oil refineries emit the largest amount of pollutants of any other source. In many cases communities with refineries are dubbed as cancer alleys, and that is for a reason. Just north of Kansas City in an area known as Sugar Creek, the refinery there was responsible for a number 200 times the national average for brain tumors in residents of the area. That's 200 times more. Refineries emit a substance called benzene a known carcinogen and according to Arizona Cleaner Burning Gasoline, which is a CBG. And I quote benzene is associated with leukemia and causes a variety of cancers. High doses of this toxin cause intoxication, respiratory problems and circulatory collapse. It also serves as a central nervous system depressant. Refineries also emit large quantities of sulfur which contributes to sore throats, breathing difficulties, respiratory tract infection, acid rain, and dirty looking air. Unfortunately the mention of benzene and sulfur emission only scratch the surface of the numerous pollutants put out by refineries. According to ACF's own website and I quote "refineries do produce emissions and ours will not be the exception". ACF readily admits they will be emitting harmful pollutants into Yuma County. After Tuesday evening's public hearing, east of Yuma, that would be last night, ACF chief executive officer Glen McGinnis stated to the Yuma Daily Sun and I quote "it would nice to be given the benefit of the doubt that we will meet compliance". Mr. McGinnis with all due respect Arizonans cannot afford to give you the benefit of that doubt. You can not change the fact that your proposed refinery will emit 1000 tons of toxins and carcinogens a year and the number could be higher. ADEQ states the number at 1000 tons per year but who's going to enforce it. It is currently estimated that 50 % of existing refineries are not complying with state and federal mandates to clean up the pollution at their facilities. EPA authorities are stretched so thin that it is common for a refinery to only be inspected every 4 to 5 years. If you think about that, that's pretty scary. Then if the EPA does site the facility for pollution violations and safety hazards which inevitably happens, the refinery pulls out it's band of attorney and fights the situation for years and years. In the mean time more toxins are released into the air and water to contaminate and kill. In an article published in last Saturdays Arizona Republic, there was a front page article entitled "Beware Air on Valley Freeways". It states "particle pollution along the valley freeway corridors can get so bad that traveling on them for 30 minutes is as bad as a full day of breathing elsewhere." To put that in context with ACF's proposed refinery, they say their refinery's annual emission will be lower than that of a mile of Phoenix freeway. It will equal 35 diesel trucks or 10 railroad locomotives. In other words, let's bring the same pollution that is in the valley in Phoenix to the Dome Valley in Yuma County, and have two \_\_\_\_ polluted areas. Are most of you aware that the EPA allows refineries to work on an honor system to report their data? Not surprisingly, data produced from their refineries seldom matches data collected by outside agencies and green groups. In June 2004, the EPA's own Inspector General, that's their own Inspector General, which is the Agency's independent auditing arm, wrote a scathing report that ripped federal regulators for making virtually no effort to ensure that refineries are



complying with consent decree mandates. In short, the EPA isn't doing its job, and the honor system is at best a sham. ACF originally hoped to build this refinery in Mobile Arizona, in Maricopa County. The deal fell through for a myriad of reason. Ian Calkins, a spokesman for ACF, told reporters for the Arizona Republic "the clean air rules would limit expansion at the refinery and that there are fewer air pollution regulations in the areas east of Yuma. That would appear to make us easy pickings. However, according to an ordinance passed during the Clinton era, the EPA must strictly investigate and adhere to fair treatment regarding environmental justice. Fair treatment is defined as the following "no group of people, including a racial, ethnic, or socioeconomic group should beard disproportionate share of the negative environmental consequences resulting from industrial, municipal, commercial operations or the execution of federal, state, local and tribal programs and policies". People, Yuma County is one of Arizona's poorest counties. Our Hispanic population currently sits at 50.5%. We also have a huge population of seniors, especially in the winter months. Again, are we easy pickings? I ask you to consider two other important issues. The first involves the water to run this refinery. Simply put, we don't have it. The entire state of Arizona competes for water from the Colorado River and it is at its lowest level in history. Mead Lake is at its lowest level, at only 56-57% capacity, while Lake Powell sits at an eerie 37% capacity. This proposed refinery would use approximately 1.5 million gallons of water a day. It does not take much computation to realize that we simply do not have the water resources to sustain our towns and cities, our agriculture and a refinery too. The second item I would like you to consider is the historic value of the proposed area of the refinery. The refinery would sit almost directly over the site of the historic Butterfield Overland Stage line. Tacna, where the refinery proposes to build, was established in 1856 as a stage stop. There are many towns and railways sittings established over the years in this area. The refinery would also cut into historic interstate 80. For history buffs and those enjoying old trails and ghost towns, which is a signature of Arizona, a great deal would be lost. Arizona is not the place for a refinery. We need to be looking forward toward alternative sources for fuel. Yuma County has an abundance of sunshine. Perhaps we should look ahead to solar energy. It would make more sense for Arizona. We also need to work on solutions for the pollution problems throughout the entire state, rather than causing new ones. I ask that you please spend time investigating refineries. Arizona is too beautiful a state to contaminate with an oil refinery. Thank you very much.

**Sandy Bahr:** Hi. For the record, my name is Sandy Bahr. I represent the Sierra Club's Grand Canyon Chapter and our more than 12,000 member here in Arizona. We are going to submit detailed written comments on the Air Quality Permit. I'm going to try to stick to air quality; I know there are a lot of other concerns about this facility. First of all, I do think it's too bad that in objecting to having the facility in Maricopa County, where the air is already very bad, that we've now made this proposed refinery a problem in someone else's backyard. If we were going to site it appropriately we would put it right next to the Hummer dealership I think because that is the problem. I also think its too bad the hysteria over a pipeline break has helped to create this. Mostly we had gasoline shortages in Maricopa County because no one could resist going out and topping of their vehicle. I will say that I didn't put gasoline in my vehicle for six weeks, so I wasn't contributing. Anyway, I think its too bad that those kind of things are driving this process, and not really thinking about the long term future of Arizona and the Country and the need for fuel efficiency and I realize that that is kind of a long term thing, considering the oil guys are controlling the white house still.

Of particular concern with this facility are the toxic air pollutants that will be emitted. These pollutants, as you've heard from many people, have serious health effects for humans: cancer causing, immune system damage, neurological problems, and other adverse environmental effects. You don't have to look very far to find out the problems with benzene, and other people have already touched upon it. When I look at the number, relative to benzene, it concerns me that the permit allows it to reach 93% of the level permitted in this state, and considering, I know how inexact things are and how poor monitoring is, that gives me even more concern. I won't go through all of the adverse health effects from benzene, you have heard them, and you can look them up, but EPA has classified benzene as group A, known human carcinogen. Of course there are reproductive impacts, effects and other things as well. The other thing that I wanted to touch upon is the mercury emissions; frankly I couldn't find a lot of data on mercury emissions relative to this facility. Granted it is a huge permit, and I could have missed that. I will continue to look at it, but it really does concern me; what are the actual mercury emissions going to be? Are they limited somewhere in this permit? If not, why not? What are the implications to the nearby farm land from those mercury emissions, that a huge issue. Each year we know that power plants and other facilities spew as much as 150 tons of mercury or more into the air and it settles in our water ways and gradually accumulates in fish. Arizona – we have, we don't even have that many lakes, but we have 10 that contain mercury contaminated fish, so that's a significant issue. One fifth of the women of childbearing age in this county have mercury levels in their hair that exceed federal health standards. That seems pretty disturbing to me and just one more reason why we ought to look very closely at this pollutant. Of course there are many human health implications for mercury, its toxic to the nervous system; it is particularly toxic to the developing nervous system of a fetus or young child, so we shouldn't take that pollutant lightly.

I have some questions about whether or not Best Available Control Technology determination is proper, again, it is a big permit and I am continuing to look at that, I want to make sure that the emissions limitations actually reflect best available control technology. One of the big concerns about this facility too, because we haven't seen a refinery built in a while, is it will indeed set standards for our future, so if its built, and where its built are significant, and we do need to make sure that it is as clean as possible. Finally, I'm concerned about the cumulative effects in the area, it seems like we're looking to make this a dumping ground, we have too many of those already, and I would feel more comfortable if we were looking at this as part of the big picture and not more in a vacuum as it seems to be relative to this permit. I would trust that when the federal government does an environmental impact statement on this, that they would look at the cumulative impacts, but I don't have a lot of trust in the federal government doing that right now. I urge the Department of Environmental Quality to look at that as well, and we will be submitting detailed written comments before the deadline. Thank you

**Paul Mardian:** Have there been any assessments made on the, how it will affect Phoenix's air quality? My concern was, I recall reading an article that when Los Angeles's ozone would spike, ADEQ said that they noticed corresponding spikes in our ozone levels. They wouldn't go on the record as saying that L.A.'s air quality moved over and polluted ours, but the obvious implication was that that was a distinct possibility. This refinery, whatever crap it is going to be putting out, it obviously much closer than Los Angeles. And our prevailing winds are south, southwesterly. The plant will be southwest of Phoenix. So I hope the folks at DEQ are thinking,

that are not thinking, oh this is Yuma's problem, thank God we are rid of it, we won't have to worry about it, but if it's going to affect Phoenix's and Maricopa County's air quality, I hope they've taken that into consideration. I hope there's been some, at least a preliminary study, other than just from what I've observed over the years talking about the Grand Canyon's air quality. There's been discussions for years that L.A.'s air ends up in the Grand Canyon. So to think about polluted air in the Grand Canyon originating in Los Angeles, I think it certainly behooves us to examine what Yuma County plans to do, and how it will affect the folks up here in Maricopa County. I am just completely outraged that anyone would even consider putting a refinery in their county. The record is clear, people that live anywhere near refineries, I think if they had it to do over again, would do that, would like to do it over again, and say no thanks. As Sandy mentioned earlier, this pipeline breakage, and how folks here somehow considered having a refinery would alleviate that problem in the future, is completely absurd. I told \_\_\_\_ that I know about, that will be like if my home developed a water leak in the pipes coming into my home, that my wife said, I don't want this to ever happen again, I want a 15,000 gallon water supply in the backyard or a water treatment plant, I want you to build a water treatment plant in the backyard, so in case our pipes to the house ever break again, I can still do my wash. I mean, that's completely laughable. But that's what, unfortunately, is many times, drives these things, its ignorance and misconceptions. As Sandy Bahr said, Maricopa County, at least was fortunate enough and thoughtful enough to say no thanks. I don't know that Yuma County is going to be that thoughtful. They're desperate for jobs, unfortunately as I tried to point out to them, most of the jobs are not going to go to the folks from Yuma County, most of the jobs will be imported. The type of expertise that it's going to take to operate a refinery is not available in Yuma County. I don't think there's any question of that. I indicated that some of the motel operators will be able to put up the construction workers, that will be nice for them. Some restaurateurs will be able to serve meals to the construction workers, and those kinds of things. But the meat and potatoes that this refinery claims it's going to deliver, job wise, is an illusion. Sure it's going to provide jobs, it's going to provide jobs from, to oil workers from Texas, Louisiana, Alaska, all the unemployed from outside of the state of Arizona will find work in Yuma County. And the fools down in Yuma think, oh boy, we're going to be in high coffee. Well, I just hope they think a little more about it, and I hope the folks at DEQ will think about the long term implications, not only for the state of Arizona, but think about some of those other communities, as I mention, in the Gulf States, Alaska, those areas. Those folks, their breathing, their living the reality of having hosted an oil refinery. So, dispel your illusions, and take a long hard, cold look at this thing and I think you'll come to the same conclusion that I did and say who in their right mind would want to invite an oil refinery into their state. Many people look at that area down near Tacna, and say, that's a desert wasteland. Well what's the bargain that the refinery folks are proposing? They're proposing to swap a desert wasteland for an industrial wasteland. That's all I have to say, thank you.